

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1145 - SB 1230

March 12, 2009

SUMMARY OF BILL: Broadens the circumstances in which a court may order consecutive sentences to include an offense committed while defendant is on community corrections.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$35,500/Incarceration*

Increase Local Expenditures – Not Significant/Permissive

Assumptions:

- Under current law, a defendant can receive a consecutive sentence for an offense committed while on probation. Expanding the circumstances in which a court may sentence a defendant to consecutive sentences may result in longer periods of incarceration.
- The Department of Correction (DOC) estimates one additional Class E offender per year will be required to serve a consecutive sentence as a result of this bill. According to DOC, the average post-conviction time served for a Class E felony is 1.63 years. According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. Due to the small number of offenders, no recidivism discount has been applied for these Class E offenses.
- Any impact on the state trial courts can be accommodated within existing resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/lsc